I

1938-42 **File No.** 2891/36

P. W.

A CLASS

DEPARTMENT
M. BRANCH

Subject:— Rules for the Levy of fees for the services of Electricity Inspectors for testing Inspections etc.

P&G
Cl.

A[K] 1942

I

File No: 2891/36

Etd. Scott. Slip. 94 A

G.R., G D., No 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

7

Subject :—

File No. 2891/36

PW

DEPT.

M

BRANCH.

References :—

Main file sent to Maharashtra

Date.	To whom sent.	Notes and instructions.

Copy of letter No. DA-V.Misc/2964 dated the 24th February 1938, from the Accountant General, Bombay, to the Electrical Engineer to Government, Public Works Department, Bombay.

Subject:- Fees.
Levy of fees for the services of Electrical Inspector:
Amendment to the rules regarding the

I have the honour to invite a reference to Government Resolution, Public Works Department, No. 6617/27 dated 3-12-37, on the subject noted above, and to state that as the fees levied by the Electrical Inspectors for the testing of disputed energy meters are at present credited to the head "XXXIX Civil Works" (vide letter No. 1C511 dated 2-2-1938 from the Executive Engineer, Electrical Division, Bombay), the cost of printing the notification in question is debitable to the corresponding disbursement head viz. "50-Civil Works" (and not to the head "47 Mis. Deptt.") as stated in para. 3 of the Government Resolution under reference. In this connection I enclose a copy of this office letter No. DA-IX-13 3595 dated 9-2-1938, to the Executive Engineer, Electrical Division, Bombay, on the subject of classification of receipts levied by Electrical Inspectors wherein the Executive Engineer has been requested to refer the matter to Government. If it is decided to credit the receipts to "XIII Other Taxes and Dutios" the expenditure will have to be debited to the corresponding disbursement head. It may also be considered whether the cost of printing debitable to the relevant service head under the Government Resolution of 3-12/37 referred to above is for the purpose of the pro-forma account only. If so, Government may be requested to modify the orders accordingly.

"True Copy"

Sd/-

Head Clerk to the
Electrical Engineer to Govt.

Copy of letter No. DA -IX-13-3595 dated 9-2-1938, from the Accountant General, Bombay, to the Executive Engineer, Electrical Division, Bombay.

Subject: Fees for electrical inspection of Cinemas.

With reference to your letter No. 10511 dated 2-2-1938, I ~~/~~ have the honour to state that this office is not in a position to state how the provision on account of fees for the electrical inspection of cinemas and for testing and inspection and generally for the services of the Electrical Inspectors came to be made under the major head "XXXIX, Civil Works Provincial" instead of under the major head XIII other Taxes and Duties.

It is suggested that the matter may be referred to Government for orders.

"True Copy"

Sd/-
Head Clerk to the
Electrical Engineer to Govt.

OFFICE OF
THE ELECTRICAL ENGINEER TO GOVERNMENT,
P.W.D. offices, Church Gate Street:
Bombay. 26th April 1938.

In reply please quote without fail No. G 123/327 of 1938.

From

THE ELECTRICAL ENGINEER TO GOVERNMENT,
Public Works Department,
BOMBAY;

To

The Secretary to Government,
Public Works Department,
Bombay.

Re:- Levy of fees frc the services of Electric Inspectors.

Sir,

I have the honour to forward herewith a copy of letter No. D.A.V-Misc./2964 dated the 24th February 1938, together with its enmp accompaniment, from the Accountant General, Bombay, and to state as under:-

1.The staff of the Upper Subordinates employed by this

this Department perform dual duties, viz. (1) providing electric installations in Government buildings and looking after their maintenance, and (2) making inpection under the Indian Electricity Act, 1910, and the rules therender. The cost of this establishment is met from the grant under the Fund Head "50, Civil Works - Provincial".

2. According to the list of revised major and minor heads communicated by the Accountant General, Bombay, in his general letter No. 8 (No. T.M.Reforms/1021) dated 19th July 1937, fees under the Indian Electricity Rules are to be credited to "XIII- other Taxes and Dities". As the recoveries from the inspections made under the Indian Electricity Act are neither a tax nor a duty, but fees recovered for the specific services rendered by the Electric Inspectrors whose salaries are debited to " 50, Civil Works -Provincial ", I consider that the same should be credited to the corresponding major head "XXXIX, Civil Works" as provided in the sanctioned budget.

3. I, therefore, request that Government may be pleased to allow the present procedure of crediting the fees to the major head "XXXIX, Civil Works to continue. I also request that Government may be pleased to issue modified orders regarding the cost of printing notification No. 6617/27 dated the 3rd December 1937 being debited to "50, Civil Works" instead of "47, Miscellaneous Departments" for the purposes of proforma account.

I have the honour to be ,

Sir,

Your most obedient servant,

Sd/-

Electrical Engineer to Govt.

Id/-

P.

Copy forwarded, with compliments, to -

the Accountant General, Bombay,

the Executive Engineer, Electrical Division, Bombay, reference to the correspondence ending with his endorsement No. 428 dated the 20th April 1938.

(M.B.) Submitted with the necessary draft for appl.

(Through A.B.)

Id
4/5/38

Id
4/5/38

6617/27

No. 6617/27-M
P. W. D.
B.C. 5th May 1938.

Subject:- Levy of fees for the ~~Sendees~~ Services of Electric Inspections.

The undersigned presents compliments to the A.G. Bombay and with refce. to letter No. G. 123/227 dt. 26-4-38 from the Elect. Engr. to Govt., copy endorsed to the A.G. direct, is directed to enquire whether there is any audit objection to Govt. approving the proposals made in para. 3 thereof.

Id/-
4/5/38

By order of the Govr. of Bombay.

Id/-
4/5

No. DA.IX-13-764 Dated, the 18th June 1938.

From

The Accountant General,

Bombay.

To

The Electrical Engineer

to Government,

Bombay.

Subject:- Levy of fees for the services of Electric Inspectors.

Sir,

With reference to your letter No. G/123/227, dated the 26th April 1938 to the address of the secretary to Government Public Works Department Bombay on the above Subject, I have the honour to statethat under the Provi-~~sion~~sional List of major and minor heads approved by the auditior General, the fees in question are creditable to the minor head "fees under the Indian Elcetricity Rules 1922 and the fees for the electrical inspection of cinemas "under the

major head XIII - other taxes and Duties".

As the fees are charged in connection with the working of the Indian Electricity Act - 1910 they appear to be in the nature of a tax and property creditable to the above head.

I would therefore request that the question of the classification of the fees in question may please be reconsidered from the above view point and your opinion in the matter may be communicated to this office at an early date.

I have the honour to be,
Sir,
Your most obedient servant.

Sd/-
L.G. Godbole.

Assistant Accounts Officer.

No. DA. IX-13-765

Dated, the 18 June 1938.

/~~Copy~~/ Copy forwarded with compliments to the Secretary to Government Public Works Department Bombay with reference to Public Works Department memo No. 6617/27 M dated 5th May 1938.

Further communication will be made on receipt of reply from the Electrical Engineer to Government.

Sd/-

Assistant Accountas Officer.

LMK

(M. B.) Submitted.

2. The furthercommunication in the matter promised by the A.G. may be awaited.

Id
22-6-38

Id
22/6/38

(M. B.)

Awaited for a month more.

Id
23/8/38

Id
27/8/38

OFFICE OF

THE ELECTRICAL ENGINEER TO GOVT.,

P. W. D. Offices, Church Gate Street:

Bombay, 23rd September 1938.

Urgent

In reply please quote without fail No. G 123/2107 of 1938.

From

THE ELECTRICAL ENGINEER TO GOVERNMENT,
Public Works Department,
Bombay;

To

The Accountant General,

BOMBAY.

Subject:- Levy of fees for the services of Electric Inspectors.

Sir,

With reference to your letter No. IX-13-764, dated the 13th June 1938 and my personal discussion with you on the subject some days back, I have the honour to state that fees for the inspection of cinemas are also levied under the rule 7 (2) of the Indian Electricity Rules 1937 & are properly to be credited to "XXXIX-Civil Works - Provincial" in the same way as is done in the case of inspections made of distribution systems, High and Medum pressure service lines and testing of meters ect.

2. The fees in question are neither a "tax" nor a "duty". Electricity duty on the consumption of more than 12 units of energy for lighting and fans in levied under a special Legislative Act, which is administered by the Collectors of the districts, whereas the inspection fees are recovered for the specific services rendered by the Electric Inspector, who is appointed to administer the Indian Electricity Act1910 and the rules thereunder and whose pay is debited to " 50 Civil Works -Provincial". The question of inspection of electrical installations and the fees levied for the services rendered by the Electric Inspector has nothing to do with or has no bearing on the electricity duty.

3. In view of the circumstances stated above, I am of opinion that the presentpractice of crediting to "XXXIX Civil ------

Civil Works -Provincial", the fees for inspection whether of cinemas or otherwise and for testing of meters, levied under rule 7 (2) of the Indian Electricity Rules 1937 appears correct and proper and should be continued.

4. In this connection, I propose that the following additions and alterations be made to the statement of revised major and minor heads accompanying your General Letter No.8 (No. T.M. Reforms/1021) dated 19-7-1937 :-

(1) Omit the following minor heads appearing against the ~~[illegible]~~ major Head -"XIII- Other Taxes and Duties - B. Receipts from Electricity Duties" :-

(i) Fees under the Indian Electricity Rules, 1922, and fees for the electrical inspection of cinemas.

(ii) Other receipts.

(2)The following new minor head be prescribed under the Major Head -"XXXIX- Civil Works" :-

"Fees levied under the Indian Electricity Rules, 1937"

(3)The existing minor head "Charges under the Electricity Acts" appearing against the Major Head -" 13-Other Taxes and Duties" be modified to read " Charges in connection with Electricity Duties".

I have the honour to be,

Sir,

Your most obedient servant,

Sd/-
Electrical Engineer to Government.

Id

Copy forwarded, with compliments, to -

2108 the Secretary to Government, P.W.D. Bombay with reference to this office No. G. 125/227 dated 26-4-1938.

the Executive Engineer, Electrical Division, Bombay.

M. B.

Await receipt of the Communication promised by the A.G.

Id
27/9/38

Id
30/9/38

(~~Proceedings destroyed~~)
Dxbxxx

(PP. 13-14 destroyed)
D 1

(PP. 13-14 destroyed)
D1

Note on D. 1

2891/36
21845

(M. B.) Submitted.

2. In the circumstances stated by the Electrical Engr. to Govt., the amendment proposed by him to Scale 'C' in the Schedule appended to G. N. No. 6617/27 dt. the 10-7-1933 may be approved after u.o.r. to F.D.

Id
18-10-38

Id
18-10

Id
20/10

* with file 6617/27II

U.O. to F.D. dt. 21/10/38

F. D.

The proposal made by the P.W.D. may be accpted.

Id
27-10-38

Id
27/10/38

U.O.R. to P.W.D. dt. 28-10-38.

(M.B.) Submitted.

2. The necessary draft Notification is put up for approval. The R.L.A. may be requested to state whether it is in order.

Id
2-11-38

Id
3/11

U. O. to R.L.A. (with file 6617/27II)
dt. 3/11

2891/36

Public Works Department.
Bombay Castle, Nov. 1938.

Notification.

No. 2891/36. In exercise of the powers conferred by sub-rule (2) of rule 7 of the I.E. Rules, 1937, the Govt. of Bombay is pleased to amend further the rules for the levy of fees for testing and inspection and generally for the services of Electric Inspectors under the I.E. Act 1910 (IX of 1910) published in Govt. Notification in the P.W.D. No. 6617/27, dated the 10-7-1933, as follows,

In the schedule appended to the said rules under the heading 'Scale C' in entry (1) for clause IV, the following clauses shall be substituted namely:-

(iv) For the initial inspection, examn. or test of any electrical installation, appliance or apparatus in a travelling cinema or other tempy. place of public entertainment. --- Rs. 50 (v) For every subsequent inspection, examination or test of electric installation, appliance or apparatus in such cinema or other tempy. place of public entertainment as is referred to in clause (iv) necessitated on account of a change of place or premises. ... Rs 25

By order of the Govr. of Bombay,

Id
2-11-38 . . . Id . .
3/[illegible]

No. D.A. IX-13/2135. A.G.37

Bombay, the 9th November 1938.

From

The Accountant- General,
Bombay,

To

The Secretary
to the Government of Bombay,
Public Works Department,
Bombay.

Subject:- Classification of fees under the Indian Electricity Rules and fees for the electrical inspection of the cinemas.

Sir,

In continuation of this office endorsement No. D.A.IX-13/765, dated the 18th June 1938, on the above subject, I have the honour to invite a reference to letter No. G. 123/2107, dated the 23rd September 1938, from the Electrical Engineer to Government, addressed to this office (copy forwarded by him to Government), and to state as follows.

2. The reasons advanced by the Electrical Engineer to Government for not crediting the fees in question to the Major Head "XIII.-other Taxes and Duties" are -

(i) that the fees are recovered for specific services rendered by the Electrical Inspector whose pay is debited to "50.- Civil Works"; and

(ii) that the fees are neither taxes not duties.

Of the above, the first is not of much consequence as, if the fees are credited to the Major Head "XIII", the actual or the assessed cost of the Electrical Inspector, may be debited to the corresponding ~~expending~~ expnditure head "13.- Other Taxes and Duties Charges under the Electricity Acts", and to that extent the Public Works Department establishment charges under the Mahor Head "50- Civil Works" reduced. As regards the second reason, it will be seen from the fact that the name of the minor head has been described as "Fees under the Indian Electricity Rules 1922 and fees for the electrical inspection of Cinemas" in the list of Major and minor heads issued by the Auditor General of India with the approval of the Governor General, that their classification under the Mahor Head "XIII.- Other Taxes and Duties" was

deliberate and that there was no confusion between the technical terms "Taxes and Duties" and "Fees". Before, therefore, moving the Auditor General for a change in the prescribed classification, I request that I may be favoured with the opinion of Government (through the Finance Department) in the matter.

I have the honour to be,

Sir

Your most obedient servant,

Sd/-

Deputy Accountant General.

Id/-

Await/ return of main pte. referred u.o. to R.L.A. on 5-11-38.

Id
12/11/38

Id
14/11/38

(pp. 21-22 destroyed)
S.No. 26375 Reminder

Draft Notification.

No. .- In exercise of the powers conferred by Sub-rule (2) of rule 7 of the Indian Electricity Rules, 1937, the Government of Bombay is pleased further to amend the rules regarding levy of fees for testing and inspection and generally for the services of Electric Inspectors under the Indian Electricity Act, 1910 (IX of 1910), published in Government Notification in the Public Works Department No. 6617/27, dated the 10th July 1935, as follows, namely:-

In the schedule appended to the said rules in clause (1) of scale "C", for item No. "(iv)", the following item shall be substituted, namely:-

"(iv)(a) For an ~~initial~~ inspection, examination, or ~~/~~ test of any electric/ installation, appliance or apparatus in a travelling cinema or ~~/~~ other temporary place of public entertainment. ... ... Rs. 50.

(b) For every subsequent inspection, examination or test of any electric installation, appliance or apparatus in such cinema or place of public entertainment ... Rs. 25".

By order of the Governor of Bombay,

Secretary to Government.

Office of the R.L.A.

A revised draft notification is appended.

Sd/-

Rememberancer of Legal Affairs.

U.R. to P.W.D., No. 8759, dated the 1st December 1938.

(M. B.) Submitted.

2. The draft G.B. on p. 17 ante ~~proposed~~ Prepared by this office is based on the recommendations contained in the letter from the El.Engr. to Govt. dt. the 24-9-38. The revised draft now furnished by the R.L.A. differs from the original draft in one important respect, namely, the Words " necessitated on account of a change of place or primioses" occurring in clause V of the original draft has been ~~drafted~~ deleted from the corresponding item IV(b) of the revised draft. The El. Engr. to Govt. may see the ~~reserved~~ revised draft u.o. before it is issued.

Thro A.B. & E.B.

Id
16/12/38

Id
15/12/38

A.B.

3. consideration of the A.G's letter on pp 1 — 2 will be taken up after issue of the Notification on P- 23.

Id
10/11/38

Yes the El.Engr. to Govt. should see this change before it is accepted.

Id
16/12

(pp. 29-30 destroyed)
S.No. 29436 Reminder.

U.O. to the El. Engr. to Govt.

dt. 17/12 * with file No. 6617/27

P+& IV

Below U.O.R.No. 2891/36 dated the 17th December 1939, from Government in the Public Works Department.

C 125
No. 3691 of 1939.
Bombay, 13th February 1939.

Returned, with compliments.

2. The intention is to charge Rs. 50 for the annual inspection made and Rs.25/- for every subsequent inspection in cases where the premises in which the travelling cinema is located, are changed or the cinema is moved to the next town or village. It is, therefore, suggested that the revised draft (page 23) be modified by deleting the works "initial" appearing in the first line of item No. (iv) (a) and adding the following words at end of item (iv)(b) after the word "entertainment"

"necessitated on account of a change of place or premises".

Sd/-
Electrical Engineer to Govt.
Id

2891/36
4125

(M. B.) Submitted with reference to the O.N. dt. the 15-12-1938.

2. In view of the remarks made by the Electrical Engr. to Govt., the revised draft Notification on p 23 ante may be modified as indicated in pencil. The R.L.A. may see U.O.

Thro A. B.

Id
27/2/39 Id
25/2/39

Id
27/2

U.O. to R.L.A. Dt. 28/2

Office of the R.L.A.

Seen and returned.

2. There is no legal objection to the proposal at p. 33 ante. However in case it is decided to omit the word 'initial' instead of substituting the word 'annual' for the same (cf. the first sentence in para. 2 at p. 31 ante), the antecedent article 'the' may be changed to 'an' or to

'every'.

Sd/-
Remembrancer of Legal Affairs.

U.R. to P.W.D., No. 3819, dated the 5th April 1939.

(M. B.) Submitted with the ~~ø~~ necessary drafts for approval.

2. In view of para 2 of the R.L.A's remarks overleaf, the anticeding article "the" in line 1 of ~~item~~ item IV (a) of the draft on p.23 has been changed to "an".

3. The El. Engr. to Govt. may see U.O. before submission.

Thro A.B.

Id
12/4/39 ~~Id~~

A. B.

4. Refce. is requested to para 3 of the office note on pp 27-28. As the issue of the notification will still take some time more, copies of relevant pages have now been made for separate action regarding the classification of fees for services of El. Inspectors. Till a decision has been arrived at in the matter, the cost of printing the Notification may be debited to the head 50-C W- Provl. as suggested by the A.G.

Id
13/4/39

Id
13/4

Id
6/4

2891/36/8726

(To be published in Pt. I of the B. G. G.).

Public Works Department.
Bombay Castle, 24th April 1939.

Subject:- I.E.Rules, 1937.

Notification.

No. 2891/36. In exercise of the powers conferred by sub-rule (2) of rule 7 of the I.E. Rules, 1937, the Govt. of Bombay is pleased further to amend the rules regarding levy of fees for testing and inspection and generally for the services of Electric Inspectors under the I.E.Act, 1910 (IX of 1910), published in Govt. Notification in the P.W.D. No. 6617/27, dated the 10th July 1933, as follows, namely:-

In the schedule appended to the said rules in clause (1) of scale 'C', for item No. '(iv)', the following item shall be substituted, namely:-

"(iv)(a) For an inspection, examination, or test of any electric installation, appliance or apparatus in a travelling cinema or other tempy. place of public entertainment .. .. Rs. 50

(b) For every subsequent inspection, examination or test of any electric installation, appliance or apparatus in such cinema or place of publis entertainment necessitated on account of a change of place or premises. ... .. Rs. 25.

By order of the Govr. of Bombay,

Id
12-4-39

Id
13/4

rees. 21

Levy of fees for the services of Electric Inspectors: Amendment to the rules regarding the -.

GOVERNMENT OF BOMBAY.

Public Works Department.

Resolution No. 2891/36.

Bombay Castle, 24th April 1939.

Read Government Resolution No. 6617/27, dated the 10th July 1933.

Letter from the Electrical Engineer to Government (R.G. Higham Esq.) No. G. 125/2129, dated the 24th September 1938, as under :-

"I have the honour to state that the travelling cinemas and other temporary places of public entertainment are charged Rs. 50 per annum for the inspection of their electrical equipment.

"2. It has been found necessary to inspect the touring cinemas at every station they move to, as the electric installations are entirely dismantled and re-erected. These inspections necessitate the Sub-Inspectors travelling considerable distances from their head-quarters and as the annual fees received do not compensate Government for the travelling and time taken in inspection, it is necessary to embody a provision in the rules for a charge for subsequent inspections made during the year.

"3. I therefore request that Government will be pleased to amend scale 'C' in the Schedule appended to Government Notification, No. 6617/27, dated 10th July 1938, by substituting the following for the existing clause (iv) of item(1) :-

	Rs.
(iv) For the initial inspection, examination or test of any electric installation, appliance or apparatus in a travelling cinema or other temporary place of public entertainment	50
(v) For every subsequent inspection examination or test of electric installation, appliance or apparatus in such cinema or other temporary place of public entertainment as is referred to in clause (~~vi~~ IV) necessitated on account of a --	

of a change or place or premises. 25

"4. Should the above proposal be made effictive, the present revenue will be increased by Rs. 4,000 approximately".

Read memorandum from the Remembrancer of Legal Affairs, No. 8759, dated the 1st December 1938.

Read memorandum from the Electrical Engineer to Government, No. G. 123/3691, dated the 13th February 1939.

Read memorandum from the Remembrancer of Legal Affairs, No. 3819, dated the 5th April 1939.

Resolution:- In exercise of the powers conferred by sub-rule (2) of rule 7 of the Indian Electricity Rules, 1937, the Government of Bombay is pleased to direct that the rules for the levy of fees for testing and inspection and generally for the services of Electric Inspectors under the Indian Electricity Act, 1910 (IX of 1910), published in Government Notification No. 6617/27, dated 10th July 1933 as subsequently amended, should be further amended as indicated in the Government Notification appended hereto.

2. The Notification should be published in the Bombay Government Gazette.

3. The Manager, Government Central Press, should be requested to supply 250 copies of the Notification to the Electrical Engineer to Government. The cost of printing should be debited to the head " 50-Civil Works -Provincial".

By order of the Governor of Bombay,
Sd/- 9/5
(R.H.HAMMETT,)
Deputy Secretary to Government.

To

*The Finance Department.
*The General Department.
*The Home Department.
*The Educational Department.
*The Commissioners of Division.
*The Commissioner of Excise.
*The Commissioner of Police, Bombay.
*All District Magistrates.
*The Director of Information, Bombay.
*The Remembrancer of Legal Affairs.
*The Secretary to the Governor (with 3 copies of the Notification.).
*The Solicitor to Government.
*The Electrical Engineer to Government,
*The Executive Engineer, Electrical Division.
*The Superintendent, Government Printing and Stationery, Bombay.
*The Manager, Government Central Press.
*The Accountant General, Bombay.
*The Postmaster General, Bombay.
*The General Manager, G.I.P. Railway.
*The Agent and General Manager, B.B.& C.I.Railway Company.

The.

*The Agent and General Manager, M.&S.M. Railway Company.
*The Agent and General Manager, Barsi Light Railway Company.
*The Chairman, Board Of V.J.T. Institute, Bombay.
*The Secretary, Millowners' Association, Bombay.
*The Secretary, Indian Merchants' Chamber, Bombay.
*The Secretary, Bombay Chamber of Commerce.
*The Joint Honorary Secretary, the Ahmedabad Millowners' Association, Ahmedabad.
*The Secretary, the Bombay Fire Insurance Association, Bombay.
*The Electrical Licensees (including sanction holders under section 28 of the Indian Electricity Act, 1910, in the Province of Bombay),

*With copies of the Notification.
' By letter.

No. of 1939.

Copy forwarded for information and guidance to

Id
9/5

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 24th April 1939.

Indian Electricity Rules 1937

No. 2891/36. - In exercise of the powers conferred by sub-rule (2) of rule 7of the Indian Electricity Rules, 1937, the Government of Bombay is pleased further to amend the rules regarding levy of fees for testing and inspection and generally for the services of Electric Inspectors under the Indian Electricity Act, 1910 (IX of 1910), published in Government Notification in the Public Works Department No. 6617/27, dared the 10th July 1933, as follows, namely:-

In the schedule appended to the said rules in clause (1) of scale "C" for item No. ", the following item shall be sunstituted, namely:-

Rs.

"(iv) (a) For an inspection, examination, or test of any electric installation, appliance or apparatus in travelling cinema or other temporary palce of public entertainment 50

(b) For every subsequent inspection, examination or test of any electric installatiom, appliance or apparatus in such cinema or place of public entertainment necessitated on acccunt of a change of place or premises. 25

By order of the Governor of Bombay,

C. E. AITKEN,

Secretary to Government.

GOVERNMENT OF THE CENTRAL PROVINCES.

COMMERCE AND INDUSTRY DEPARTMENT.

NOTIFICATION.

Nagpur, the 13th December 1930.

No. 3293-2561-XIII-~~4~~ In supersession of Central Provinces Public Works Department. Notification No. 872, dated the 12th September 1918, the following scale of fees sanctioned by the Local Government for the services of the Electrical Adviser is published for general information :-

ELECTRICAL ADVISER TO GOVERNMENT.

1.- Professional Advice.

1. Fees to be charged to local bodies for the services of the Electrical Adviser to Government:-

(a) For preliminary advice and consultation, no fees will be charged .... Free

(b) For preliminary report anf sketch of project, etc., estimated to cost less than Rs.10,000 at 1 per cent .. Minimum Rs. 50.

(c) For preliminary report and sketch of project, etc., estimated to cost Rs. 10,000 and above .... $\frac{1}{2}$ per cent.

(d) For examination and report on project drawn up by other agency:-

(i) Estimated to cost less than Rs. 10,000 at 1 per cent .... Minimum Rs. 50.

(ii) Estimated to cost Rs. 10,000 and above and (c) $\frac{1}{2}$ per cent.

Note:- Fees for (b) will be remitted if detailed estimates and drawings are subsequently undertaken.

2. For preparing detailed estimates and drawings, the following fees shall be charged: -

(a) For projects estimated to cost less than Rs. 10,000 at 2 per cent .. Minimum Rs. 100

(b) For projects estimated to cost between Rs. 10,000 and Rs. 50,000, at 1½ per cent .... " 250

(c) .....

(c) For projects estimated to cost over Rs. 50,000, at 1 per cent ..... Minimum 800

Note - Actual cost of survey will be charged extra in each case.

3. For contract drawings, specifications and form of tender and examination and report on tenders, the same fees as specified in paragraph 2 above will be charged.

4. For the works detailed in paragraphs 2 and 3 above, when undertaken together, the following fees shall be charged:-

		Rs.
(a) For projects estimated to cost less than Rs. 10,000, at 4 per cent	...Minimum	200
(b) For projects estimated to cost between Rs. 10.000 and Rs. 50,000, at 3 per cent	.. ,,	500
(c) For projects estimated to cost over Rs. 50,000, at 2 per cent	... ,,	1,600

Note .- Actual cost of survey will be charged extra in each case.

5. For supervision and control by Electrical Adviser to Government or other persons appointed under him for the purpose, the following fees shall be charged:-

(a) For supervision and control ... 1½ per cent

(b) For measuring and checking bills ... 1½ per cent.

Note - Fees prescribed in paragraphs 1 to 5 above are subject to reduction or remission in special cases at the descretion of the local Government. No travelling allowance will be charged to local authorities, it will be borne by Government.

By order of the Governor in Council,

N. J. ROUGHTON,
Financial Secretary to Gocernment,
Central Provinces.

NOTIFICATION

Nagpur, the 27th September 1937.

No. 2296-2115-VII.-In exercise of the powers conferredby rule 5(2) of the Berar Electricity Rules, 1927, the Provincial Government is pleased to make the following amendment to pragraph 1 of the Notification No. 3286-2561-XIII, dated the 13th December 1930. The amendment will come into force with effect from the 1st April 1938:-

AMENDMENT

For paragraph 1, the following paragraph shall be substituted, namely:-

"1. Inspection of electrical Works-

Scale of fees.

Class of installations	Capacity	Fee per annum
(1)	(2)	(3)
		Rs.
(A) Licensed undertakings or undertakings supplying energy under section 28 of the Indian Electricity Act.	(1) Up to and including 250 K.W. of generating plant installed.	200
	(2) Exceeding 250 K.W. and up to and including 1,000 K.W.	500
	(3) Exceeding 1,000 K.W.	500
(B) Places other than those in (A) where generating plant is installed.	(1) Up to and including 25K.W.	10
	(2) Exceeding 25 K.W. and up to and including 100 K.W.	25
	(3) Exceeding 100 K.W. and up to and including 250 K.W.	50
	(4) Exceeding 250 K.W. and up to and including 1,000 K.W.	100
	(5) Exceeding 1,000 K.W.	500
(C) Factories obtaining electrical energy from an outside source and consumer's medium and high pressure installions.	(1) Up to and including 10 K.W. installed.	10
	(2) Exceeding 10 K.W. and up to and including 100 K.W. installed.	20
	(3) Exceeding 100 K.W. and up to and including 500 K.W. installed.	50
	(4) Exceeding 500 K.W. and up to and including 1,000 K.W. installed	100
	(5) Exceeding 1,000 K.W. installed.	500
(D) Places other than (B) and (C) above, to which the provisions of section 30 of the Indian Electricity Act, 1910, apply.	-----	25

Notes 1.- For the purpose of inspection fees -

(a) The capacity of an installation shall be the aggregate capacity of the generating plant or apparatus installed.

(b) 'Kilo-volt amperes' or 'B.H.P.' shall be read instead of 'Kilowatts' wherever the machinery or equipment is so rated.

Note 2.- Payment of fees -

The fees shall be paid by the owner or his authorized agent on or before the 1st May in each year into the nearest Government Treasury under 'XXXVI-Miscellaneous Departments (Provincial)-Miscellaneous-Electric Inspector to Government, Central Provinces and Berar' and copy of the treasury chalan sent to the Electric Inspector to Government, Central Provinces and Berar. The period covered by the annual fees will be from from 1st April to 31st March. In the case of seasonal factories and new installations the prescribed annual fees should be paid before the installation is brought into use."

By order of the Governor,
Central Provinces & Berar,

C.D. DESHMUKH,
Secy. to Govt., C.P. & Berar,
Commerce and Industry Department.

GOVERNMENT OF THE CENTRAL PROVINCES.

COMMERCE AND INDUSTRY DEPARTMENT.

NOTIFICATION.

Nagpur, the 13th December 1930.

No. 3284-2561-XIII.- In exercise of the powers conferred by rule 5(2) of the Indian Electricity Rules 1922 and in supersession of the Public Works Department Notification No. 779, dated the 19th August 1918, the Local Government is pleased to direct that the following fees shall be levied for testing and inspection and generally for the services of the Electric Inspector appointed for the central Provinces, and it is further notified for general information that no electrical apparatus will be received at the laboratory for examination and testing except between the hours of 11 a.m. and 3 p.m. on working days and on a contract signed by the applicant in Form A hereunto joined, of which blank copies can be obtained at the hours named from the Electric Inspector.

I.- Tests and Inspection of Works.

1. All electrical works installed by private owners, licensees, Municipal Committees, District Councils or Departments of Government not under the local Government shall be inspected at least once a year by the Electric Inspector free of charge and he may carry out such tests as may be necessary to satisfy himself as to the due observance of the Act, the rules and license (if any).

II.- Disputes.

2. If the Electric Inspector is called upon to settle any difference or dispute arising under section 21 (4), section 26(4) or 26(6) or clause V (2) or VI (3) of the Schedule to the Act, a fee of Rs. 15 shall be charged.

Note - On receipt of an application in connection with a difference or dispute between a consumer and a licensee as to the correctness of any meter, the Electric Inspector will arrange with the consumer and the licensee to attend at the premises of the consumer. The Electric Inspector will take charge of the meter which is not to be disconnected from the circuit except in his presence and then only by

the licensee.

III. Tests of Apparatus.

Scale of fees.

(A) At Laboratory.

	Rs.
3. Meter and other apparatus disputed under section 26 of the Act, each ----------	10
4. Fees for testing meters in the laboratory -	
(a) Ammeters up to 100 amps ..	10
(b) Voltmeter not exceeding 450 volts	10
(c) Voltmeter up to 50 amps	10
(d) Energy meters A. C. or D.C. up to 50 amps (A.C.Single phase)	10
(e) A.C. two phase or three phase up to 100 amps ..	15 for two phase 20 for three phase.
(f) Power factor meter up to 100 amps	8
(g) Frequency meters -----	5
(h) Megger Ohmmeters ------	10
(i) Batches of meters of the same capacity consisting of not less than 10 at one time ----5 each	

Note 1- Should any tests be desired other than provided for above they will be a matter of special arrangement subject to such fee as the Electric Inspectors to Government may fix.

Note 2.- No electrical apparatus shall be examined tested at or the laboratory except on a contract signed by the applicant in Form A herewith attached.

(B) At Consumer's premises.

	Rs.
5. Meters and other apparatus disputed under section 26 of the Act, each -------	20
6. For making a record of pressure where time occupied is more than 24 hours. ------	15
7. (a) Testing insulation resistance to earth for main terminals, where time occupied is two hours or less -------	10
(b) For every hour or part of an hour after the the first two hours	5

By order of the Governor in Council,

H.J. ROUGHTON,

Financial Secretary to Government, Central Provinces.

Conditions of the Contract.

1. The Government of the Central Provinces, or the Electric Inspector in charge of the laboratory, will not be responsible for any damage to any apparatus, or for any loss sustained in consequence of the time that may elapse before it is removed from the laboratory.

2. Apparatus will be received at the laboratory for examination and testing or removed therefrom between the hours of 11 a. m. and 3 p.m. on working days and must be delivered at and removed from the laboratory free of cost to Government.

3. Instrument will not be received which are not plainly marked with the name of the manufacturer and an identification number.

4. Every instrument submitted must be provided with suitable terminals or leads, so that it can be readily connected to the testing circuit without soldering.

5. All fees for testing shall be paid by the applicant into the nearest treasury and the duplicate copy of the chalan forwarded to the Electric Inspector to Government, Central Provinces, Nagpur.

6. In consideration of the Electric Inspector agreeing to do the examination and testing applied for on the reverse, I agree to be bound by the above conditions.

Place ----------

Date ----------

(Signature of Applicant)

FORM A

Application for examination and testing of electrical apparatus..

NOTIFICATION

Nagpur, the 25th March 1935.

No. 829-769-XIII.- In exercise of the powers conferred by rule 5 (2) of the Indian Electricity Rules, 1922, the Local Government is pleased to make the following amendments to paragraphs 4,5 and 6 of the order published with this Department's Notification No. 3284-2561-XIII, dated the 13th December 1930:-

For paragraphs 4,5 and 6 the following paragraphs shall be substituted, namely:-

"4. Fees for testing meters in the laboratory-

	Rs.
(a) Am meters up to 100 amps ---	10
(b) Voltmeter not exceeding 450 volts ...	10
(c) Wattmeter up to 50 amps ...	10
(d) Energy meters A. C. single phase or D.C. up to 50 amps.	10
(e) A.C. polyphase up to 20 amps.	10
(f) A.C. pplyphase above 20 to 100 amps. ...	20
(g) Power factor meter up to 100 amps. ...	8
(h) Frequency meters ...	5
(i) Megger Ohmmeters ...	10
(j) Batches of meters of the same capacity consisting of not less than 10 at one time...	5 each.

NOTE 1.- Should any tests be desired other than provided for above they will be a matter of special arrange--ment and subjectto such fee as the Electric Inspe--tor to Government many fix.

NOTE 2.- No electrical appa--ratus shall be examined or tested at the laboratory except on a contract signed by the applicant in Form A herewith attached.

(B) AT CONSUMERS PREMISES

5. Meters and other apparatus disputed under section 26 of the Act, each ..	Rs. 10
6. For making a record of pressure where time occupied is not more than 24 hours.	10

By order of the Governor in Council,

C. D. DESHMUKH,

Financial Secfetary to Government, Central Provinces.

Form A.

Application for Examination and Testing of Electrical Apparatus.

*** Description.	Maker.	Alternating or direct current.	Frequency.	Volts.	Ampers.	Remarks.

Submitted to the Electric Inspector to Government, Central Provinces, Nagpur, for favour of compliance.

Place _____ }
Date _____ }

Signature of Applicant.

OFFICE OF
THE ELECTRICAL ENGINEER TO GOVT.,

P. W. D. Offices, Church Gate Street:
Bombay 19 th November 1938

In reply please quote without fail No. G 123/2828 of 1938.

Form

THE ELECTRICAL ENGINEER TO GOVERNMENT,

Public Works Department,

BOMBAY;

To

The Secretary to Government,
Public Works Department,

Bombay.

Subject:- Rules for the levy of fees for the services of Electric Inspectors, etc: Amendment of -

Sir,

I have the honour to state that cases of differences or disputes arising under Sections 21 (4),26 (4) or 26(6) of the Indian Electricity Act, 1910, and clause V (2) or VI(3) of the Schedule to the Act are to be referred to the Electrical Inspector and decided by him. At present such cases are treated as complaints, and investigations are usually carried out through the Assistant Electric Inspectors; this procedure involves much correspondence and travelling expenses for the sub-Inspectors. With a view to put cases of this nature on a more satisfactory basis, I suggest that a fee of Rs. 15/- be levied for each dispute referred to the Electric Inspector for decision, which will bring in a revenue of about Rs. 1,200 a year. The levy of fees will prevent unimportant disputes being referred to the Electric Inspector. Such fees are levied by the Government of the Central Provinces - vide copy of their notification enclosed herewith.

2. Under the circumstances, I request that Government will be pleased to amend the rules for the levy of fees sanctioned in Government Notification No. 6617/27 dated the 10th July 1933, by inserting the following new scale "N".

Scale "N"

(1) .....

(1) For deciding any case of difference or dispute arising under Section 21(4), Section 24(4) or 26(6) of the Indian Electricity Act, 1910, or clause V(2) or VI(3) of the Schedule to the said Act, referred to the Electric Inspector. ... ... Rs.15/-for each case

Provided that in the case of a dispute referred to the Electr c Inspector under Section 26(6) of the Indian Electricity Act 1910, an additional charge for the test of a meter in accordance with scale 'J' shall be recovered.

(2) The Electric Inspector shall decide/ under rule 8 of the Indian Electricity Rules 1937, by which of the parties to the dispute, the fee and the additional charge for the test of a meter referred to in proviso to (1) above, shall be payable.

3. Consequent on the introduction of the new scale "K", the existing scale "J" will require to be altered by omitting the reference to disputes and made applicable only to tests made generally on behalf of the public. The modified scale "J" as given below may please be substituted for the existing scale "J".

SCALE "J"

(1) For the testing of energy meters :-

(a) For testing in the Laboratory a single meter of any description --

	Rs.
(i) up to a capacity of 50 amperes.	10
(ii) of a capacity exceeding 50 amperes but not exceeding 200 amperes.	15
(iii) of a capacity exceeding 200 amperew but not exceeding 300 amperes.	20
(iv) of a capacity exceeding 300 amperes but not exceeding 500 amperes.	35

(b) If a meter is to be tested on the consumer's premises the fees prescribed in clause (a) shall be increased by Rs. 5 per meter.

(2) The fee shall be paid by the owner of the meter.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/-
Electrical Engineer to Govt.

Id/-

2891/36
26567

(M.B.) Submitted

2. The main file on the subject has been ~~x~~ refd. ~~as~~ U.O ~~xxxx~~ to the R.L.A. on the 3-11-1938. Its return may be awaited.

Id
28/11/38

Id
5/12/38

2891/36

(M. B.) Resubmitted .

2. The main file has been received back from the R.L.A. & submitted separately. The proposals made by the El. Engr. to Govt. in his letter dt. the 19-11- 38 may be approved, after U.O. R. to F.D.

Id
14-12-38

Id
15/12

Id
15/12

U.O. to F.D. dt. 16/12.

Finance Department.

The proposals made by the Electrical Engr. to Govt., in his letter of 19/11/38 may be agreed to.

Id
22/12/38

Id
22/12/38

*U. O. R. to P.W.D. dt. 22/12/38.

* With file 6617/27 II & C.P. Govt. notification.

No. 2891/36. M.
P. W. D., B. C., Jany. 1939.

Notification.

In exercise of the powers conferred by sub-rule (2) of rule 7 of the I.E. Rules, 1937, the Govt. of Bombay is pleased to amend the rules for the levy of fees for testing and inspection and generally for the services of Electric Inspectors, under the I.E.Act, 1910 (IX of 1910) published in G.N., in the P. W. D. No. 6617/27, dated the 10-7-1933 as follows:-

In the schedule appended to the said rules -

(1) for scale"J", the following shall be substituted:-

~~(i)xxxxxxx~~ Scale "J"

(1) For the testing of energy meters :-

(a) For testing in the Laboratory a single meter of any description-

	Rs.
(i) up to a capacity of 50 amperes.	10
(ii) of a capacity exceeding 50 amperes but not exceeding 200 amperes.	15
(iii) of a capacity exceeding 200 amperes but not exceeding 300 amperes.	20
(iv) of a capacity exceeding 300 amperes but not exceeding 500 amperes.	35

(b) If a meter is to be tested on the consumer's premises the fees prescribed in clause (a) shall be increased by Rs. 5 per meter.

(2) The fee shall be paid by the owner of the meter. ~~of the meter.~~

(2) After Scale "M" the following new Scale "N" shall be added :-

SCALE "N"

(1) For deciding any case of difference or dispute arising under Section 21 (4), Section 26 (4) or 26(6) of the I.E. Act, 1910, or clause V(2) ~~//~~ or VI (3) of the Schedule to the said Act, referred to the Electric ~~/////////~~ Inspector. ..... Rs. 15 for each case

Provided that in the case of a dispute referred to the Electric Inspector under Section 26(5) of the I.E.Act, 1910, an addnl. charge for the test of a meter in accordance .....

accordance with Scale "J" shall be recovered.

(2) The Electrical Inspector shall decide under rule 8 of the I.E. Rules, 1937, by which of the parties to the dispute, the fee and the addnl. charge for the test of a meter referred to in proviso to (1) above, shall be payable.

By order of the Govt. of Bombay,

Id/-
13/1/39

Id
13/1

2391/36

(M. B.) Submitted.

2. The requisite draft notification is put up for approval. The R.L.A. may be requested to scrutinise it.

Id
13-1-39

Id
13/1

* With file 6617/27 II

* U.O. to R.L.A. dt. 16/1.

ORDER.

Public Works Department.

Bombay Castle, 1939.

No. .- In exercise of the powers conferred by sub-rule (2) of rule 7 of the Indian Electricity Rules, 1937, the Government of Bombay is pleased to amend the rule for the levy of fees for testing and inspection and generally for the services of Electric Inspectors under the Indian Electricity Act, 1910(IX of 1910), published in Government Notification in the Public Works Department No. 6617/27, dated the 10th July 1933, as follows :-

In the said rules ---

(1) In sub-rule (3) of rule 2, for the letter "M" the letter "N" shall be substituted.

(2) In the Schedule -

(a) in scale J, -

(i) in clause (1), the word "disputed" shall be deleted; and

(ii) for clause (2), the following clause shall be substituted, namely:-

"(2) The fee shall be paid by the owner of the meter."

(b) After scale "M" the following scale shall be inserted, namely:-

"Scale N". 43

"For deciding any case of difference or dispute arising under sections 21(4), 26(4) or 26(6) of, or clause V(2) or VI(3) of the Schedule to, the Indian Electricity Act, 1910, referred to the Electric Inspector .... Rs. 15 for each case.

Provided that in the case of a difference or dispute referred to the Electric Inspector for being decided under section 26(6) of the said Act, an additional fee for the testing of a meter in accordance with scale 'J' shall be recoverable."

By order of the Governor of Bombay,

Secretary to Government.

Office of the R.L.A.

A revised draft order is appended.

(a) In view of the provisions of rule 8 of the Indian Electricity Rules, 1937, clause (2) of the proposed "scale" N" is not necessary and s therefore deleted.

(b) In view of the insertion of proposed "scale N" in the Schedule, it will be necessary to carry out a consequential amendment in rule 2(3) of the rules proposed to be amended. The revised draft order provides accordingly.

Sd/-
Remembrancer of Legal Affairs.

U.R. to P.W.D. No. 2215 dated the 25th February 1939.

(M. B.) Submitted .

2. The revised draft submitted by the by the R.L.A. may be shown u.o. to the El. Engr. to Govt. before it is notified.

Id
27-2-39

Id
28/2

U.O. to the Elec. Engr. to Govt. dt. 1/3.

* With file 6617/27P & II.

Below U.O.R. No. 2801/36/3330 dated the 1st March 1939, from Government in the Public Works Department.

No. G 123/3952 of 1939.

Bombay, 3rd March 1939.

Seen and returned, with compliments.

Sd/-

Electrical Engineer to Govt.

Id

Fees.
Levy of fees for the services of Electric Inspectors: Amendment to the rules regarding the -.

GOVERNMENT OF BOMBAY.

Public Works Department.

Resolution No. 2891/36.

Bombay Castle, 27th March 1939.

Read Government Resolution, No. 6617/27, dated the 10th July 1935.

Letter from the Electrical Engineer to Government, No. G. 123/2828, dated the 18th November 1938, as under:-

"I have the honour to state that cases of differences or disputes arision under sections 21 (4), 26 (4) or 26(6) of the Indian Electricity Act, 1910 , and clause V (2) or VI (3) of the schedule to the Act are to be referred to the Electric Inspector and decided by him. At present such cases are treated as complaints, and investigations are usually carried out through the Assistant Electric Inspectors; this procedure involves much correspondence and travelling expenses for the Sub-Inspectors. With a view to put cases of this nature on a more satisfactory basis, I suggest that a fee of Rs. 15 be levied for each dispute referred to the Electric Inspector for decision, which will bring in a revenue of about Rs. 1,200 a year. The levy of fees will prevent unimportant disputes being reffered to the Electric Inspector. Such fees are levied by the Government of the Central Provinces -Vide copy of their ~~xx~~ notification enclosed herewith.

"2. Under the circumstances, I request that Government will be pleased to amend the rules for the levy of fees sanctioned in Government Notification No. 6617/27, dated the 10th July 1935, by inserting the following new scale 'N'.

Scale 'N'

(1) For deciding any of difference or dispute arising under section 21 (4), section 26(4) or 26(6) of the Indian Electricity Act, 1910, or clause V (2) or VI (3) of the schedule to the said Act, referred to the Electric Inspector .... Rs. 15 for each ~~xx~~

Provided that in the case of a dispute referred to the Electric Inspector under section 26 (6) of the Indian Electricity Act, 1910, an additional charge for the test of a meter in accordance with scale 'J' shall be recovered.

(2) The Electric Inspector shall decided under rule 8 of the Indian Electricity Rules, 1937, by which of the parties to the dispute, the fee and the additional charge for the test of a meter referred to in proviso to (1) above, shall be payable.

"3. Consequent on the introduction of the new scale 'N', the existing scale 'J' will require to be altered by omitting the reference to disputes and made applicable only to tests made generally on behalf of the public. The modified scale 'J' as given below may please be substituted for the existing scale 'J'.

Scale 'J'

(1) For the testing of energy meters:-

(a) For testing in the Laboratory a single meter of any description -

	Rs.
(i) up to a capacity of 50 amperes ...	10
(ii) of a capacity exceeding 50 amperes but not exceeding 200 amperes ...	15
(iii) of a capacity exceeding 200 amperes but not exceeding 300 amperes	20
(iv) of a capacity exceeding 300 amperes but not exceeding 500 amperes ..	35

(b) If a meter is to be tested on the consumer's premises the fees prescribed in clause (a) shall be increased by Rs. 5 per meter.

(2) The fee shall be paid by the owner of the meter."

Read memorandum from the Remembrancer of Legal Affairs, No. 2215, dated the 25th February 1939.

Read memorandum from the Electrical Engineer to Government, No. G. 123/3952, dated the 3rd March 1939.

RESOLUTION.- In exercise of the powers conferred by Sub-rule (2) of rule 7 of the Indian Electricity Rules, 1937, the Government of Bombay is pleased to direct that the rules for the levy of fees for testing and inspection and generally for the services of Electric Inspectors under the Indian Electricity Act, 1910 (IX of 1910), published in

in Government Notification No. 6617/27, date... 1933, as subsequently amended, should be further amen... as indicated in the Government Notification appended hereto.

2. The Notification should be published in the Bombay Government Gazette.

3. The Manager, Government Central Press, should be requested to supply 250 copies of the Notification to the Electrical Engineer to Government. The cost of printing should be debited to the head "~~47-Miscellaneous~~ "50 Civil Works" ~~Department~~".

Vide Corrigendum No 2891/36 dt 12-7-39 P/35

By order of the Governor of Bombay,

Sd/- 21/5

(R. H. HAMLETT,)
Deputy Secretary to Government.

vide corrigendum No. 2891/36 dated 12-7-39.

G. R. No. 2891/36, P. W. D., dated the 27th March 1939.

To

*The Finance Department.
* The General Department.
*The Home Department.
*The Educational Department.
*The Commissioners of Divisions.
*The Commissioner of Excise.
*The Commissioner of Police, Bombay.
*All District Magistrates.
*The Director of Information, Bombay.
*The Remembrancer of Legal Affairs.
*The Solicitor to Government.
*The Electrical Engineer to Government.
*The Executive Engineer, Electrical Division.
*The Superintendent, Government Printing and Stationery, Bombay.
*The Manager, Government Central Press, Bombay.
*The Accountant General, Bombay.
*The Postmaster General, Bombay.
*The General Manager, Great Indian Peninsula Railway.
*The Agent and General Manager, Bombay Baroda and Central India Railway Company.
*The Agent and General Manager, Madras and Southern Mahratta Railway Company.
*The Agent and General Manager, Barsi Light Railway Company.
*The Chairman, Board of Victoria Jubilee Technical Institute, Bombay.
*The Secretary, Millowners' Assiciation, Bombay.
*The Secretary, Indian Merchants' Chamber, Bombay.
*The Secretary, Bombay Chamber of Commerce.
*The Joint Honorary Secretary, The Ahmedabad Millowners' Association, Ahmedabad.
*The Secretary, The Bombay Fire Insurance Association, Bombay.
*All Electrical Licensees (including sanction holders under section 28 of the Indian Electricity Act, 1910. in the Province of Bombay

*with copies of the Notification.
* By letter.

Id
20/4/39

No. of 1939.
Copy forwarded for information and guidance to

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 27th March 1939.

INDIAN ELECTRICITY RULES, 1937.

No. 2891/36.- In exercise of the powers conferred by sub-rule (2) of rule 7 of the Indian Electricity Rules, 1937, the Government of Bombay is pleased to amend the rules for the levy of fees for testing and inspection and generally for the services of Electric Inspectors under the Indian Electricity Act, 1910 (IX of 1910), published in Government Notification in the Public Works Department No. 6617/27, dated 10th July 1933, as follows:-

In the said rules -

(1) In sub-rule (3) of rule 2, for the letter "M" the letter "N" shall be substituted.

(2) In the Schedule -

(a) in scale J, -

(i) in clause (1), the word "disputed" shall be deleted; and

(ii) for clause (2), the following clause shall be substituted, namely:-

"(2) The fee shall be paid by the owner of the meter.

(b) After Scale "M", the following scale shall be inserted, namely:-

"Scale N."

"For deciding any case of difference or dispute arising under sections 21 (4), 26 (4) or 26 (6) of, or clause V(2) or VI (3) of the Schedule to, the Indian Electricity Act, 1910, referred to the Electric Inspector.	Rs. 15 for each case.

Provided that in the case of a difference or dispute referred to the Electric Inspector for being decided under section 26 (6) of the said Act, any additional fee for the testing of a meter in accordance with scale "J" shall be recoverable."

By order of the Governor of Bomby,

C.B.AITKEN,
Secretary to Government.

No. 2891/36-M.
Public Works Department.
Bombay Castle, 18th April 1939.

From

R. H. Hammett, Esquire, M.Inst. C.E.,I.S.E.,
Deputy Secretary to the Government of Bombay,
Public WorksDepartment.

To

The General Manager, Great Indian Peninsula Railway.

The Agent and General Manager, Bombay Baroda and Central India Railway Company.

The Agent and General Manager, Madras and Southern Maharatta Railwat Company.

The Agent and General Manager, Barsi Light Railway Company.

The Chairman, Board of Victoria Jubilee Technical Institute, Bombay.

The Secretary, Millowners' Association, Bombay.

The Secretary, Indian Merchants' Chamber, BOmbay.

The Secretary, The Bombay Chamber of Commerce.

The Joint Honorary Secretary, the Ahmedabad Millowners' Association, Ahmedabad.

The Secretary, the Bombay Fire Insurance Association, Bombay.

All the Electrical Licensees (including sanction holders under Section 28 of the Indian Electricity Act) in the Bombay Province.

Subject:- Levy of fees for the sercices of Electric Inspectors: Rules regarding the -

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Dear Sir(s),

I am directed to forward herewith for information a copy of Government Notification No. 2891/36, dated the 27th March 1939 sanctioning certain amendments to the Rules referred to above.

Yours faithfully,
Sd/-
(R.H.HAMMETT.)
Deputy Secretary to the Government of Bombay, Public Works Department.

D.A. Copy of Govt. Notifn. referred to.

Copy of letter No. DA. V-Elec/661 dated the 22nd June 1939from the Accountant General, Bombay, to the Electrical Engineer to Government, P. W. D., Bombay.

Subject:- Fees: Levy of fees for the services of Electric Inspectors - Amendment to the rules regarding the -

"I have the honour to invite a reference to G.R., P. P.W.D., No. 2891/36 dated the 27-3-1939on the subject noted above and to state that the cost of printing the notification in question is debitable to the head "50, Civil Works" and not to the head "47, Miscellaneous Departments" as stated in para. 3 thereof as fees levied by Electric Inspectors are credited to the head "XXXIX -Civil Works". A reference is also invited in this connection to G.R., P.W.D., No. 2891/36 dated 24-4-1939 in which the cost of printing in a similar case is stated to be debitable to the former head. Government may, therefore, be requested to modify the orders issued in para. 3 of the G.R.under reference. It is presumed that the cost is debitable to "58, Stationery and Printing" and the heads of account such as Civil Works or Miscellaneous Departments are indicated in the orders for purposes of proforma account only. If so, Government may be requested to state the same accordingly."

No. G 123/1254 of 1939.

Bombay, 5th July 1939.

Copy forwarded, with compliments, to the Secretary to Government, Public Works Department, Bombay, for necessary action.

Sd/-

Electrical Engineer to Govt.

Id Id

Fees.
Levy of fees for the services of Electric Inspector -
Amendment to the rules regarding the -.

GOVERNMENT OF BOMBAY.
Public Works Department.
Corrigendum No. 2891/36.
Bombay Castle, 12th July 1939.

C O R R I G E N D U M.

Memorandum from the Electrical Engineer to Government. No. G. 123/1254, dated the 5th July 1939, forwarding for necessary action a copy of the following letter from the Accountant General, Bombay, No. D.A.V.-Misc./661, dated the 22nd June 1939, as under :-

"I have the honour to invite a reference to Government Resolution, Public Works Department, No. 2891/36, dated the 27th March 1939 on the subject noted above and to state that the cost of printing the notification in question is debitable to the head '50,Civil Works' and not to the head '47-Miscellaneous Departments' as stated in paragraph 3 thereof as fees levied by Electric Inspectors are credited to the head 'XXXIX-Civil Works'. A reference is also invited in this connection to Government Resolution, Public Works Department, No. 2391/36, dated 24th April 1939 in which the cost of printing in a similar case is stated to be debitable to the former head. Government may, therefore, be requested to modify the orders issued in paragraph 3 of the Government Resolution under reference'. It is presumed that the cost is debitable to '56-Stationery and Printing' and the heads of account such as Civil Works or Miscellaneous Departments are indicated in the orders for purposes of pro forma account only. If so, Government may be requested to state the same accordingly."

CORRIGENDUM:- In paragraph 3 of the Government Resolution No. 2891/36, dated the 27th March 1939, for the words '47-Miscellaneous Department' read '50-Civil Works'.

2. The presumption made by the Accountant General is correct.

By order of the Governor of Bombay,

Sd/- [illegible]
(R. H. Hammett,)
Deputy Secretary to Government.

To.....

To

The Finance Department.

The General Department.

The Home Department.

The Educational Department.

The Commissioners of Divisions.

The Commissioner of Excise.

The Commissoner of Police.

/XX/ All District Magistrates.

The Public Relation Officer.

The Remembrancer of Legal Affairs.

The Solicitor to Government.

The Electrical Engineer to Government.

The Executive Engineer, Electrical Division.

The Superintendent, Government Printing & Stationery, Bombay.

The Manager, Government Central Press.

The Accountant General, Bombay.

The postmaster General, Bombay.

No. of 1939.

Copy forwarded for information and guidance to -

OFFICE OF
THE ELECTRICAL ENGINEER TO GOVERNMENT,

P.W.D. Offices, Church Gate Street:

Bombay 9th March 1940.

In reply please quote without fail No. G123/4393 of 1940.

From

THE ELECTRICAL ENGINEER TO GOVERNMENT,
Public Works Department.
BOMBAY;

To

The Secretary to Government,
Public Works Department,
Bombay.

Sir,

Subject:- Levy of fees for the services of Electrical Inspectors. Scale C.

Sir,

With reference to Government Notification No. 2891/36 dated the 26th April 1939, a representation was made to the Secretary, Government of Bombay, Home Department, Political, (copy enclosed) in September 1939, regarding the additional inspection fees to be paid by the travelling cinemas. Particulars of the fees in question, as supplied by the Bombay Touring Exhibitors' Association are attached to the letter addressed to the Secretary to the Government of Bombay, Home Department, Political.

Consequent upon the representation made to me by the Bombay Touring Exhibitors' Association, I received a deputation of their members in December and heard their grievances with regard to the additional inspection fees and other details connected with the electrical portion of the travelling cinemas.

Such grievances as can be put right without reference to Government will be attended to; it has been suggested to the Association that they arrange for the electrical portion of the touring cinemas to be housed in a motor truck permanently wired, so that the dismalting and re-erection which at present takes place when they move from one location to another will be obviated, and only one inspection per annum will have to be made and charged for.

It.....

It is understood from the Electric Inspector that some touting talkies have already submitted proposals, for permanently wired trucks, which have been a approved by the Electric Inspector .

I have the honour to be,
Sir,
Your most obedient servant,

Encl:

Sd/-

DFP.

Electrical Engineer to Govt.

2891/36/5834

(M. B.) Submitted.

2. Pl. See G.N. No. 2391/36, dated the 24-4-39 sanctioning certain amendments to the rules re: levy of fees for the services of El. Insprs. Originally a fee of Rs. 50 was prescribed for an inspection, examn. or test of an electric installation, appliance or apparatus in a travelling cinema or other temp. place of public entertainment. The El. Engr. to Govt: however represented in this connection that it was necy. to inspect the touring cinemas at every station they moved to, as the electric installation were entirely dismantled and re-erected and the inspections necessitated the Sub-Inspr. travelling considerable distance from their head qrs. and the annual fees recovered did not compensate Govt. for the travelling and time taken in inspections. The scale of fee was accordingly amended & a fee of Rs. 25 was prescribed for every subsequent inspection, examn. or test of electric installation in such touring cinemas necessitated on account of a change of place or premises. It was estimated that the amendment would bring in an addnl. revenue of about Rs. 4, 000 annually to Govt.

3. The Indian Motion Picture Congress has in its representation to the Home Deptt. (Pol) protested against the revised scale of fees for inspection of electric installations in touring cinemas refd. to above and has requested that the amendment may be withdrawn. It will be seen from the El. Engrs letter dated the 9-3-40 that he has suggested to the Assocn. that they should arrange

or ---

for the electrical ~~xxx~~ portionof the touting cinemas to be housed in a motor truck permanently wired, so that the dismantling and reerection, when they move from one place to other, may be obviated and only one inspection per ~~x~~ annum would be made and charged for. The El. Engr. to Govt reports that some touring talkies have already submitted proposals in this connection and they have been approved by the El. Inspr. In the circumstance, no action seems called for in the matter. The H.D. may also see u.o.for information.

As at A. I think.

Id
18-3-40

Id
18/3

Office has noted on portion markedin blue p. 79 I do not think P.W.D. certificate is required by D.My unless the ~~xxxxxx~~ cinemas is in a building & I presume these travelling cinemas are held in tents or in the open

Id/-
18/3

2891/36

(M.B.) Submitted.

2. With ref. to the Secy's note, dated the 18-3-40, attention is invited to Rule 5 of the Rules for licensing and controlling theatres and ~~xxx~~ other places of public amusement. It will be seen therefrom that even in the case of tents or tempy. erections, the licensing officer, before granting a comprehensive license, may require the production of a certificate from the P.W.D. Sub-dnl. Officer concerned or from the Ex. Engr. of the P.W.D. concerned that the tent or tempy. erection is in all respects suitable for use as a place of public amusement. It is understood that the rules in question are at present under revision in the H.D. The H.D.(Pol.) and F.D. may see u.o. as proposed in the O.E., dated the 18-3-40.

Thro' W. B'.

Id
1-4-40

Id
30/3/40

Id
1/4

"May" require

I do not -------

I do not think P.M. generally require this in the case of tents or open structures.

Id
1/4

Id
1/4

U.O.R. to H.D. & F.D. dt. 3/4/40

Home Department (Poll).

Please see -

(1) Letter from the Electrical Engineer to Govt. at p. 87 ante;

(2) P.W.D. notes on pp 89-91 ante.

2. It may be noted that we have received the letter from the Hon. Secretaries of the Indian Motion Picture Congress, a copy of which has been received by the Electrical Engineer to Govt. (vide pp 77-85 ante). The points raised in that letter have been noted in our file No. 70/40, so far as this deptt. was concerned and the papers have been referred u.o. to the P.W.D. for remarks so far as that deptt. was concerned.

3. With regard to the P.W.D. note of 30-3-40 it may be noted that no material change has been made in rule 5 of the draft rules for places of public amusement in the mofussil, which are still under consideration.

4. These papers may be returned u.o. to the P.W.D. to further consideration in in connection with out note recorded in file No. 70/40 referred u.o. to that Deptt. instead of passing on to the F.D. as proposed by the P.W.D.

Id
15/4/40

Id
16/4/40

Id
16/4/40

A.S.

U.O.R. TO P.W.D. No 933 Poll, dt. 17-4-40.

(M. B.) Submitted.

2. Please see para 4 of the H.D. note overleaf. The note recorded by the H.D. in its file No. 70/40 is being considered separately in this Deptt. This case will be resubmitted in due course along with the H.D. case.

Id
27/4/40

Id
29/4/40

(M. B.) Resubmitted.

2. Please see the o.n. of to-day's date in file No. 870/36 submitted as a printed case. As the matter is being further action is called for on these papers which may be filed.

Id
30-5-41

Id
4/6

Id
13/4

Id
5/6

Id
6/6

OFFICE OF

THE ELECTRICAL ENGINEER TO GOVERNMENT,

P.W.D. Offices, Church Gate Street:

Bombay 30th October, 1941. 1941.

In reply please quote without fail No. G 61/2328 of 1941.

From

THE ELECTRICAL ENGINEER TO GOVERNMENT,

Public Works Department,

BOMBAY;

To

The Secretary to Government,
Public Works Department,
Bombay.

Re: Penalty for non-payment of inspection fees in time.

Sir,

With reference to the concluding portion of para 4 of the report of inspection of the Electrical Division made by the Accountant General, Bombay, in June 1940, I have the honour to state that the cases, in which fees for inspections made under the Indian Electricity Rules 1937 are nd not received within a reasonable time, are reported by the E Electric Inspector, Bombay, to the District Magistrates to take action to effect the recoveries by distress or sale of moveable property. Such cases often remain pending with the District Magistrates for months and unless they take prompt action to effect the recoveries, the present condition of Government dues falling into arrears will continue.

It is generally the defaulters who evade the dues as far as practicable and the threat of penalty would not in

induce them to make prompt payments. I do not agree to the suggestion made by the Accountant General, Bombay, to impose a penalty for non-payment of fees in time, but would reque t Government to issue instructions to the District Magistrates to take prompt action on the cases reported by the Electric Inspector, Bombay, which will help to keep down the amount of arrears of inspection fees.

I have the honour to be,

Sir;

Your most obedient servant,

Sd/-

Electrical Engineer to Govt.

Id/-

Serial No. of para. of Report.	Inspecting officer's remarks.	Executive Engineer's explanations.	Superintending Engineer's remarks and orders.	Accountant General's Final remarks.	Local Government's orders.
12	12. Inspection Fees.-The arrears of Inspection fees in the sub-divisions and Bombay at the end of March 1940, i.e. more than a year old are shown below. It will be seen that the arrears are mounting up year after year It is stated that cases of arrears are referred to the District Magistrates concerned after a month from the date of inspection, if the amount of fees is not paid by that time. But the district Magistrates are stated to take no prompt action for recovery. It is suggested that Government may be moved to issue instructions to the District Magistrates to treat cases referred to them by the Electric Inspectors or his Assistant as urgent and take prompt action thereon. **Bombay.** 1938-39. .. Rs. 57-8-0 1939-40 .. Rs.427-8-0 **Poona** 1938-39 Rs.123/12-0 1939-40 Rs.210-0-0 **Ahmedabad.** 1936-37 Rs.300-0-0 1937-38 Rs. 77-8-0 1938-39 Rs.120-0-0 1939/40 Rs. 482-8-0 **Nasik.** 1936-37. Rs. 117-8-0 1937-38. Rs. 133-12-0 1938-39. Rs. 242-8-0 1939-40. Rs. 791 Rs. 3,183-12-0	12. In the case of Poona, recoveries of inspection fees of Rs, 123-12-0 due for the year 1938-39, and part fees of Rs/20/- due for the year 1939-40, have since been recovered. All other arrears due as detailed in the remarks have been reported to the respective Magistrates for recoveries under Section 54 of the Indian Electricity Act,1910. The Electrical Engineer to Government P.W.D., Bombay, has also been informed that inspite of repeated reminders from the office of the Electric Inspector, Bombay, to the District Magistrates Concerned, the arrears of inspection fees due are not recovered promptly. If general orders are issued by Government to all the District Magistrates for prompt action on the cases reported to them under Section 54 of of the Indian Electricity Act, 1910, it will certainly facilitate the early recovery of the inspection fees due to Government.	12. The cases in which fees for inspections made by this Department are not received within the prescribed time, are reported to the District Magistrates for effecting recoveries. No other action can be taken by this Department to effect the recoveries promptly. Govt. may issue instructions to the District Magistrates to take prompt action to recover Govt. dues.	To Govt. For issue of necessary orders with reference to the concluding portion of the Electrical Engineer to Government's remarks.	12. The necessary instructions are being issued to the District Magistrates separately.

(M. B.) Submitted.

2. In his inspection of the office of the Ex. Engr., El, Dn., in june 1940, the A.G., Bombay, observed that the question of imposing penalty for the delay in payment of inspection fees should be considered -vide concluding portion of para. 4 of the Inspection Report. The El. Engr. to Govt. states that the cases in which fees for inspection made under the I.E.Rules, 1937, are not recd. within a reasonable time are reported by the El. Inspr., Bombay, to the Dist. Magistrates to take action to effect recoveries by distress of// or sale of moveable property. The El. Engr. further observes that such cases often remain pending with the Dist. Magistrates for months and unless they take prompt action to effect the recoveries, Govt. dues will continue to fall into arrears. TheEl. Engr. to Govt. does not therefore think that the suggestion made by the A.G., Bombay, to impose a penalty for non- payment of fees in time would induce the defaulter to make prompt payment. He suggests that Govt. may issue instructions to the Dist. Magistrates to take prompt action on the cases reported by the El. Inspr., Bombay (Pl, see also Govt. orders on para 12 of the report of inspection function in June 1941). It may be stated that orders to the above effect have already been issued in G.R. No. 6617/27, dated the 3-9-35. It would therefore, perhaps suffice if attention of the officers concerned is again drawn to the orders issued in the above G.R. A draft is put up for approval. It may be shown u.o. to El. Engr. to Govt. and H. D. before issue.

Id
19/11/41

Yes
Id
20/11

(For orders in amplification vide
G.C.M. No. 2891/36, dt. 30/7/42)

Fees for the services of
Electric Inspectors.
Orders regarding the recovery
of -.

GOVERNMENT OF BOMBAY.
Public Works Department.
Government Circular Memorandum No. 2891½36.
Bombay Castle, 2nd December 1941.

GOVERNMENT CIRCULAR MEMORANDU.

The attention of the Chief Presidency Magistrate, Bombay, and all District Magistrates is invited to the orders issued in Government Resolution No. 6617/27, dated the 3rd September 1935, and they are requested to take prompt action to effect recoveries, by distress or sale of moveable property, of fees for inspection made under the Indian Electricity Rules, 1937, in cases of undue delay in payment reported to them by the Electric Inspector, Bombay.

By ofder of the Governor of Bombay,

Sd/- 3/12

Deputy Secretary to Government.

To

The Home Department.

The Commissioners of Divisions.

All District Magistrates.

The Chief Presidency Magistrate, Bombay.

The Electrical Engineer to Government (with reference to his letter No. G. 61/2328, dated the 30th October1941)

The Executive Engineer, Electrical Division.

The Accountant General, Bombay(With reference to paragraph 12 of the report of inspection of the office of the Electtical Division in June 1941.).

NO. of 1941.

Copy forwarded for information and guidance to -

Public Works Department.

Secretary's tabulate ending 31st December 1941.

Id
30/1/42

Secretary to Government.
May I see paper unleying G.C.M. 2891/36.
dt. 2/12/41.

A(F) Dt. 1-2-42.

M. B.

Resubmitted with ref. to the note of A(F) above.

2. The proceedings underlying G.C. M. No. 2891/36 dated the 2nd Dec. 1941 will be found on pages 135-144 of file 2891/36-I put up.

3. Section 54* of the I.E.Act, 1910, provides for recovery of every fee leviable therennder by makim an application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident by the distress and sale of any moveable property belonging to such person.. As there was delay on the part of certain magistrates in effecting recoveries of fees levied for the services rendered by the El. Inspectors and consequent loss of revenue to Govt. the chief Presy. Magistrate and District Magistrates were requested in G.R.No. 6617/27, dated the 3rd September 1939, to take the necy. steps to give effect to certain proposals made by the Elec. Engineer to Govt. with a view to ensure prompt recoveries of the fees in question. In his inspection report on the El. Dn. in June 1941., the A.G., Bombay, brought to the notice of Govt. that arears of inspection fees were mounting up and suggested that instructions to the District Magistrate to treat cases referred to them by the El. Inspector or his assistants as urgent and take prompt action thereon might be issued. Orders inviting the attention of the Chief Presy. Magistrate and all Dist. Magistrates and ~~all Dist. Magistrates~~ to the orders issued in G.R. No. 6617/27 dated the 3rd Sept. 1939 and asking them to take prompt action to effect recoveries by distress or sale of moveable property were, therefore, issued in G.C. M. No.

2894/36, dated the 2nd December 1941. 68

Iu
18-2-42.

Id
18/2

Id
18/2

A(F)

I think the procedure in this case might be bettered. Under the Act application is made to a magistrate having jurisdiction -- I should imagine in most cases to a local Second or Third Class Magistrate. But the orders are only issued to the Chief Presidency Magistrate and the District Magistrates. The District Magistrates probably never have applications for recovery made to them, and they would have to issue orders to all the subordinate magistrates in their district. In that case it would be preferable for H.D. to issue orders, which should be sent to all magistrates. Otherwise 19 District Magistrates will have to reporduced the orders by cyclostyle and send them to the local magistrates, ~~in G. C.~~ Press which, when enough copies could be printed in G.C.Press/ to supply all magistrates, would mean considerable waste of labour, (except that practise) I imagine that the G.R. in most cases will be sent to the Deputy Chitnis Branch and filed, and order will never reach the Magistrate concerned.

Id
24/2

2. If there is any serious failure to collect, I think H.D. had better issue instructions to all magistrates.

Do this first both El. Engrs. to remark.

3. Before doing so, however, it might be well to see in what places the arrears are large.

Id
23/2

Id
23/2/42

P. W. D.

H.D.

U.O.R. with El. Engr. to Govt. dt. 26th July 1942.

Please see A(F)'s note dated 23-2-42 at p. 2ante. This Deptt. is asked to issue instructions to all Magistrates (apparently because Magtes. are under H.D.) to take prompt steps to effect recoveries of fees for inspection made under Indian Electricity Rules, 1937. It may be appointed out that orders issued by P. W. D. will have the same effect as orders issued from this Deptt. In this particular case orders have already been issued by the P.W.D. and the orders contemplated are to be a sort of a reminder to Magistrates.

In order to secure the desired object A(F) has in view all that seems necessary is. (1) the circular may be amplified by inserting the words "to ask all Magtes. under them" between the words "requested" and "to take prompt action" in the circular issued by the P.W.D. and (2) the circular may be classed "A" for distribution whereby sufficient number of copies will be supplied to the C.P.M. and the Magtes. for being forwarded to all the Magtes. under them.

It is for orders whether any fresh instructions should be issued from this Deptt.

Id
16/4/42

Id
17/4/42.

D.S.

A Corrigendum as at 'X' above may be suggested to the P. W. D.

2. Also a letter to the D.Ms. of the different arrears districts telling them the amount of arrears in their Districts and asking them specifically to take steps to recover them with reference to the G.R. might be helpful in expenditing recovery. As the G.R. has issued from the P.W.D., that Deptt. may do this.

Id
4/5/42.

U. O. R. to the P. W. D. dt. 4-5-42.*

* with that Deptt. file No. 2391/36I.

M. E.

Submitted with refce. to this Deptt. u.o.r. dated the 9-4-42.

2. Please see the H.D. O.E. and the Dy. Secy. H.D's ~~O/E/~~ note thereunder. The H.D's suggestion that orders may be issued by this Deptt. may be accepted. The drafts put up for approval may issue. A(F) need not perhaps see again.

Id
23-7-42.

Id
25/7

Id
24/7/42.

A(F) should see in ~~memo~~ view of his note p.2.

Id
25/7.

Fees for the services of Electric Inspectors;
Orders regarding the recovery of

GOVERNMENT OF BOMBAY.

Public Works Department.

Circular Memorandum No. 2891/36.
Bombay Castle, 30th July 1942.

GOVERNMENT CIRCULAR MEMORANDUM.

In amplication of the orders issued in Government Circular Memorandum No. 2891/36, dated the 2nd December 1941, the Chief Presidency Magistrate, Bombay, and all District Magistrates, are requested to ask all Magistrates under them to take prompt action to effect recoveries, by distress or sale of moveable property, of fees for inspection made under the Indian Electricity Rules, 1937, in cases of undue delay in payment reported to them by the Electric Inspector, Bombay.

By order of the Governor of Bombay,

Sd/- O.C.

(H.H. HAMMETT.) 17/8
Deputy Secretary to Government.

To

The Home Department.

The Commissioners of Divisions.

*All District Magistrates.

*The Chief Presidency Magistrate, Bombay.

The Electrical Engineer to Government.

The Executive Engineer, Electrical Division.

The Accountant General, Bombay.

*With copies for distrubution to all Magistrates under them.

No. of 1942.

Copy forwarded for information and guidance to

No. M.A.G.S.R.C1

Old Custom House Yard, Fort,
BOMBAY, 17th November 1941.

From

G.W.McElhinny, Esquire, I.C.S.,
District Magistrate,
Bombay Suburban District,

To

The Commissioner, N.D.,

Ahmedabad.

Subject:- Recovery of Electric Inspection fees.

Sir;

I have the honour to state that under Section 34 of the Indian Electricity Act electric inspection fees are recoverable on application to a Magistrate by the distress and sale of any moveable property belonging to the defaulter. But there is no provision in the Act under which the Magistrate can direct the distress and sale of the property. It is nowhere provided in the Act that such fees are recoverable as fines and so the Magistrate apparently cannot issue a distress warrant under Section 386 Cr. Procedure Code. The provisions of Section 547 Cr. P.C. are also inapplicable as the fees are not payable by any order under the Cr. Procedure Code. Besides the District Superintendent of Police wants an authority for -- recovery of these fees and points out that the recovery of the fees through the Police entails a considerable increase in their work. In these circumstances it seems necessary to make some specific-- provision for recovery of such fees. The Magistrate has no establishment for the purpose and the police have many other more important duties to perform. It would seem best to make the fees recoverable as arrears of land revenue so that recovery may be effected through the revenue staff. I, therefore, request that Government may be --- moved to consider the matter.

I have the honour to be ,

Sir,
Yours most obedient servant,

Sd. G.F. McElhinny.
District Magistrate,
Bombay Suburban District.

Id

No. P.O.L. 755.
Shahibagh, Ahmedabad, 26th March 1942.

Public Works Department.

Copy submitted to Government for orders.

2. The District Magistrates, Ahmedabad and Surat agree to the suggestion that the sums recoverable under section 54 of the Indian Electricity Act should be made recoverable as arrears of land revenue. If however this is done, the defaulter's immoveable property will also be liable to attachment which perhaps is not the intention of the legislature. The District Magistrate, Kaira, states that under section 25 of the General Clauses Act X of 1897, the provisions of section 386 Criminal Procedure Code are applicable to all "fines" imposed under any Act, but the wordings of section 54 of the Indian Electricity Act do not clearly indicate that the amounts recoverable under that section can be considered as fines. He therefore suggests that if such sums cannot be regarded as fines, section 54 of the Indian Electricity Act may be amended so as to make section 386 Criminal Procedure Code applicable to the recovery of such dues. The sums referred to in section 54 of the Indian Electricity Act are clearly not fines but amounts of expenses to be recovered or fees chargeable for certain works carried out for the purposes of the Act. They are in no sense of the word "penalties". A

3. Section 54 of the Indian Electricity Act is self-contained and the Magistrate's action in directing the distraint and sale of moveable property for recovery of sums specified therein is under it. The question that needs clarification is as regards the procedure for such distraint and sale of property by the Magistrate. The Commissioner considers that the form of warrant under section 386(1)(a) Criminal Procedure Code can be

be used in such cases with suitable modifications and addressed to a Police Officer or to a revenue officer if a rule to that effect were framed. The Indian Electricity Act does not make any specific provision fo r the procedure to be followed in such matters. The Commissioner would therefore suggest that a rule may be framed under section 37(1) of the Act to effect the purpose desired.

Sd/-
Commissioner, N.D.

Office of the R.L.A.

Under section 54 of the Indian Electricity Act, 1910 sums recoverable under certain provisions of the Act can be recovered on application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident, by distress and ~~xxx~~ sale of any moveable property belonging to such person. Since the provision does not state that the sums are recoverable as fines, rules made under section 386(1) (a) Criminal Procedure Code prescribing the procedure for distress and sale of moveable property to recover the fines will not apply unless they are specifically made applicable. Section 37 (1) of the Indian Electricity Act provides for power of the Central Electricity Board to make rules to carry out the purposes of the Act. To prescribed the procedure to be followed by the Magistrate in recovering the sums by distress and sale of moveable property would be a pirpose of the Act. There is therefore no legal objection to making a rule under section 37(1) specifying that the rules made under section 386(1)(a) Criminal Procedure Code and the form of warrant (XXXVII) prescribed in Schedule V to the Criminal Procedure Code shall mutatis mutandis apply to the recovery to be made by the Magistrate under section 54 of the Indian Electricity Act.

Sd/-

Remembrancer of Legal Affairs.

U.R. to P.W.D., No. 4068, dated the 15th May 1942.

2891/36/11001

No. 2891/36 M
P.W.D.
B.C. 30th July 1942.

To

The Secy.,
Central Electricity Board.

Sub:-Recoveries under section 54 of the I. E. ACt.

Sir,

(1) *Letter No. M.A.G.S. R.6 dated the 17-11-41 from the Dist. Magistrate Bombay Subn. Dist., to the Commr. N.D.
(2) Endt. No. P.O.L. 755, dated the 26-3-42 by the Commr. N.D.

I am directed to forward copies of the correspondence noted in the marginand to observe that under section 54 of the Indian Electricity Act, 1910 sums recoverable under certain provisions of the Act can be recovered on application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident, by distress and sale of any moveable property belong to such person. Since the provision does not state that the sums are recoverable as fines, rules made under section 386(1) (a) Criminal Procedure Code prescribing the procedure for distress and sale of moveable property to recover the the fines will not apply unless they are specifically made applicable. Section 37(1) of the Indian Electricity Act provides for power of the Central Electricity Board to make rules to carry out the purposes of the Act. To prescribe the procedure to be followed by the Magistrate in recovering the sums by distress and sale of moveable property would be a purpose of the Act. I am accordingly to request that the C.E.B. may be moved to make a rule under section 37(1) of the Act specifying that the rules made under section 386(1) (a) Criminal Procedure Code and the form of warrant (XXXVII prescribed in Schedule V to the Criminal procedure Code shall mutatis mutandis apply to the recovery to be made by a Magistrate under Section 54 of the Indian Electricity Act.

Your obdient servant,

Copy for information to :-

the ------

the Commr., M. D.

the El. Engr. to Govt.

Id
20/7/42

Issued
Id
1/8

Id
21/7 .

U. O to El. Engr. to Govt. dt. 22-7-42. .:

Below U.O.R. No. 2891/36/22525 dated the 24th September 1942, from Government in the Public Works Department.

No. G 123/2330 of 1942.

Bombay, 26th Septr., 1942.

Seen and returned, with compliments.

2. It is suggested that the letter from the Secretary, Central Electricity Board, may be shown to the Remembrancer of Legal Affairs.

Sd/-
Electrical Engineer to Govt.
Id/-

Secy. to see

Id/-
26/9/42

U.O. to R.L.A. , dt. 28/9/42. Id 28/9

Id/-
28/9

Office of the R.L.A.

The Rememberancer of Legal Affairs sees no reasons to modify the view taken by him in his opinion No. 4068, dated the 15th May 1942. Since however the Government of India doubt if a rule could be validly framed under section 37(1) of the Indian Electricity Act, 1910 as suggested by the R.L.A. the position may be allowed to continue as it is and the Magistrates may be instructed to issue distress warrants under section 54 in the form prescribed under the Criminal Procedure Code for the recovery of fines until there is a High Court decision to the contrary.

Sd/-
Remembrancer of Legal Affairs.

U.R. to the P.W.D., No. 8356 dated the 15th October 1942.

Copy of letter No. A. 803 dated the 21st September 1942, from the Secretary, Central Electricity Board, New Delhi, to the Deputy Secretary to the Government of Bombay, Public Works Department, regarding proposal to make a new rule under Section 37(1) specifying that the rules made under Section 386(1)(a) of the Criminal Procedure Code and the form of warrant (XXXVII) prescribed thereunder shall mutatis mutandis apply to the recovery to be made by a Magistrate under Section 54 of the Indian Electricity Act, 1910.

Refernce your letter No. 2891/36-M, dated the 30th July, 1942 on the above subject. It seems to the Chairman that the procedure for recovery of the dues having been clerly indicated in Section 54 of the Indian Electricity Act, th e proposals made by the Provincial Government to frame a new rule have for their objects the prescription of the form of warrant and to regulate the manner in which such warrants are to be executed. Section 54 of the Indian Electricity Act provides sufficient authority to the Magistrate to issue a distress warrant and there seems no legal objection to using as a model the form preseribed under the Criminal Procedure Code. If, however, it is intended that the rules made under sub-section (2) of Section 386 of the Criminal Procedure Code, which also provide for summary determination of claims, should apply, it is doubtful whether a rule could be framed validly under Section 37 (1) of the Indian Electricity Act to achieve this object. As, however, section 54 of the Act has been in force for nearly four decades, it does not seem necessary to clarify the law on the point by amending the Section unless decisions of courts make this necessary.

.....

No. 2891/36-M.

Public Works Department,
Bombay Castle, 27th October 1942.

Copy forwarded to the Commissioner, Northern Division, and the Electrical Engineer to Government for information and guidance with reference to Government endorsement No. 2891/36-M, dated the 30th July 1942.

By order of the Governor of Bombay,

Sd/-
28/10
(C. G. Kale,)

Deputy Secretary to the Government
of Bombay, Public Works Department.

Copies with copy of Government letter No. 2891/36-M, dated the 30th July 1942 to the Secretary, Central Electricity Board, forwarded to the -

Home Department,

Commissioner, Central Division,

Commissioner, Southern Division.

Collector of Bombay.

All District Magistrates,

Chief Presidency Magistrate, Bombay.

2. The District Magistrates and the Chief Presidency Magistrate, Bombay, are instructed to issue distress warrants under Section 54 of the Indian Electricity Act 1910 in the form prescribed under the Criminal Procedure Code for the recovery of fines.

Id
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Copy of Government letter Public Works Department No. 2891/36-M dated 30th July 1942, to the Secretary, Central Electricity Board, regarding recoveries under Section 54 of the Indian Electricity Act.

I am directed to forward copies of the correspondance noted * in the margin and to observe that under section 54 of the Indian Electricity Act, 1910 sums recoverable under certain provisions of the Actcan be recovered on application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident, by distress and sale of any moveable property belonging to such person. Since the provision does not state that the sums are recoverable as fines, rules made under section 386(1) (a) Criminal Pro-

* 1. Letter No. M.A.G.S.R. 61, dated the 17th November 1941, from the District Magistrate, Bombay Suburban District, to the Commissioner, Northern Division

2. Endorsement No. P.O.L. 755 dated the 26th March 1942 by the Commissioner, Northern Division.

procedure Code prescribing the procedure for dist. sale of moveable property to recover the fines will not apply unless they are specifically made applicable. Section 37(1) of the Indian Electricity Act provides for power of the Central Electricity Board to make rules to carry out the purposes of the Act. To prescribe the procedure to be followed by the Magistrate in recovering the sums by distress and sale of moveable property would be a purpose of the Act. I am accordingly to request that the Central Electricity Board may be moved to make a rule under Section 37(1) of the Act specifying that the rules made under section 386(1) (a) Criminal Procedure code and the form of warrant (XXXVII) prescribed in Schedule V to the Criminal Procedure Code shall mutatis mutandis apply to the recovery to be made by a Magistrate under Section 54 of the Indian Electricity Act.

Id
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